



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2020-0014]

Petition for Approval: Canadian National Railway

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of petition for approval to move to phase 3 of track inspection test program.

SUMMARY: This document provides the public notice that on July 23, 2021, Canadian National Railway (CN) petitioned the Federal Railroad Administration (FRA) to transition from phase 2 to phase 3 of a previously approved Test Program and associated temporary suspension of some visual track inspections. The Test Program is designed to test track inspection technologies (i.e., an autonomous track geometry measurement system) and new operational approaches to track inspections (i.e., combinations of autonomous inspection and traditional visual inspections).

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, Track and Structures Division, Office of Railroad Safety, FRA, 1200 New Jersey Avenue, SE, Washington, DC 20590, telephone (202) 493-6460 or email yujiang.zhang@dot.gov; Aaron Moore, Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE, Washington, DC 20590, telephone (202) 493-7009 or email aaron.moore@dot.gov.

SUPPLEMENTARY INFORMATION:

On April 3, 2020, FRA conditionally approved the Test Program and CN's petition under 49 CFR 211.51 to suspend §§ 213.233(b)(3) and 213.233(c) as applied to operations under the Test Program. A copy of the Test Program, FRA's conditional

approval of the Test Program, and a previously published *Federal Register* notice explaining FRA's rationale for approving the Test Program and related suspension are available for review in the docket.¹

As approved, the Test Program included four separate phases over 12 months, as outlined in Exhibit C of the Program.² Accordingly, CN began the Test Program on April 19, 2020. On December 6, 2020, CN transitioned from phase 1 to phase 2. Subsequently, CN requested, and FRA approved, an extension of the Test Program until February 19, 2022.

CN is requesting to transition from phase 2 to 3 on October 24, 2021. In support of its request, CN states that it has met the Test Program conditions required to move to phase 3 and has met the Test Program's baseline safety metric of less than 0.19 unprotected geometry defects per 100 miles tested as established in phase 1 of the Test Program. Specifically, for the 90 days prior to petitioning to move to phase 3, CN achieved an average of 0.15 unprotected geometry defects per 100 miles tested.

A copy of the petition, as well as any written communications concerning the petition, if any, are available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by **[INSERT DATE 30 DAYS AFTER DATE OF**

¹ <https://www.regulations.gov/document/FRA-2020-0014-0004> (Test Program); <https://www.regulations.gov/document/FRA-2020-0014-0002> (FRA's approval decision); <https://www.regulations.gov/document/FRA-2020-0014-0003> (FRA's published notice of approval).

² <https://www.regulations.gov/document/FRA-2020-0014-0004>.

PUBLICATION IN THE FEDERAL REGISTER] will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety,

Chief Safety Officer.

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